ROSS, BANKS, MAY, CRON & CAVIN, P.C.

Attorneys at Law

Jim D. Hamilton Shareholder

Secretary

- Also Licensed in Colorado

Surface Transportation Board

Washington, D.C. 20423-0001

e-mail: jdhamilton@rossbanks.com

DEC 14 2005

December 13, 2005

December 13, 2003

CORDATION NO. 24961

Via Overnight Delivery

DEC 1 5 '05

11-54 AM

**SURFACE TRANSPORTATION BOARD** 

Re:

1925 K Street, NW

The certain note in the original principal amount of \$1,450,000.00 payable to the Bank of Houston ("Loan") to James C. Graves and the James C. Graves Living Trust. Our File No. 4003-7

Dear Secretary:

I hereby submit for filing and recording an executed original of a primary document, not previously recorded, the following Releases:

Full Release of Railroad Car Mortgage Agreement, Security Agreement, Assignment of Interest in Leases and Financing Statement by The Right Bank for Texas, N.A. dated November 4, 2005 concerning the Railroad Car Mortgage Agreement, Security Agreement, Assignment of Interest in Leases and Financing Statement dated August 4, 2004 between James C. Graves and the James C. Graves Living Trust and The Right Bank for Texas, N.A. filed on January 13, 2005 under Recordation Number 25408.

Full Release of Railroad Car Mortgage Agreement, Security Agreement, Assignment of Interest in Leases and Financing Statement by The Right Bank for Texas, N.A. dated November 4, 2005 concerning the Railroad Car Mortgage Agreement, Security Agreement, Assignment of Interest in Leases and Financing Statement dated May 17, 2004 between James C. Graves and the James C. Graves Living Trust and The Right Bank for Texas, N.A. filed on May 19, 2004 under Recordation Number 24961.

Secretary
Surface Transportation Board
December 13, 2005
Page 2

Full Release of Railroad Car Mortgage Agreement, Security Agreement, Assignment of Interest in Leases and Financing Statement by The Right Bank for Texas, N.A. dated November 4, 2005 concerning the Railroad Car Mortgage Agreement, Security Agreement, Assignment of Interest in Leases and Financing Statement dated September 25, 2003 between James C. Graves and the James C. Graves Living Trust and The Right Bank for Texas, N.A. filed under Recordation Number 24599

Full Release of Railroad Car Mortgage Agreement, Security Agreement, Assignment of Interest in Leases and Financing Statement by The Right Bank for Texas, N.A. dated November 4, 2005 concerning the Railroad Car Mortgage Agreement, Security Agreement, Assignment of Interest in Leases and Financing Statement dated December 27, 2004 between James C. Graves and the James C. Graves Living Trust and The Right Bank for Texas, N.A. filed on January 4, 2005 under Recordation Number 25391.

Full Release of Railroad Car Mortgage Agreement, Security Agreement, Assignment of Interest in Leases and Financing Statement by Sterling Bank dated November 7, 2005 concerning the Railroad Car Mortgage Agreement, Security Agreement, Assignment of Interest in Leases and Financing Statement dated November 30, 1998 between James C. Graves and the James C. Graves Living Trust and Sterling Bank filed under Recordation Number 21928 and Ratification thereof filed on June 13, 2003 under Recordation Number 21928-D.

Full Release of Railroad Car Mortgage Agreement, Security Agreement, Assignment of Interest in Leases and Financing Statement by Sterling Bank dated November 7, 2005 concerning the Railroad Car Mortgage Agreement, Security Agreement, Assignment of Interest in Leases and Financing Statement dated December 17, 1999 between James C. Graves and the James C. Graves Living Trust and Sterling Bank filed under Recordation Number 22641 and Ratification thereof filed on June 13, 2003 under Recordation Number 22641-E.

Full Release of Railroad Car Mortgage Agreement, Security Agreement, Assignment of Interest in Leases and Financing Statement by Sterling Bank dated November 7, 2005 concerning the Railroad Car Mortgage Agreement, Security Agreement, Assignment of Interest in Leases and Financing Statement dated December 17, 2000 between James C. Graves and the James C. Graves Living Trust and Sterling Bank filed under Recordation Number 23392 and Ratification thereof filed on June 13, 2003 under Recordation Number 23392-B.

RECORDATION NO. 24961- FILED

DEC 1 5 '05

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# DEC 14 2005 RECEIVED

#### SURFACE TRANSPORTATION BOARD

#### FULL RELEASE OF SECURITY AGREEMENT AND MORTGAGE

This Release, dated as of <u>November</u>, 2005, is made by The Right Bank for Texas, N.A.

- 1. Reference is made to the Railroad Car Mortgage Agreement, Security Agreement, Assignment of Interest in Leases and Financing Statement dated May 17, 2004 between James C. Graves and the James C. Graves Living Trust, as Debtors, and The Right Bank for Texas, N.A., as Secured Party, which were duly filed in accordance with 49 U.S.C. 11303(a), under Recordation Number 24961 covering, among other items, the railcars described on Exhibit "A".
- 2. The Right Bank for Texas, N.A., for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby releases any and all security interests, liens, claims and other encumbrances granted pursuant to said Railroad Car Mortgage Agreement, Security Agreement, Assignment of Interest in Leases and Financing Statement.

IN WITNESS WHEREOF, The Right Bank for Texas, N.A., has caused this Release to be duly executed by its authorized officer as the day and year first above written.

The Right Bank for Texas, N.A.

By: Kuseman Duna
Name: Rosemary Guerra
Title: Vice president

COUNTY OF ARROWN day of Award and the solution of the Right Bank for Texas, N.A., and that said instrument was signed on behalf of said institution, and he acknowledged that the execution of said instrument was the free act and deed of said institution.

JOSEPH W. CURRIE
Notary Public, State of Texes
My Commission Expires
NOVEMBER 12, 2005

NOTARY PUBLIC FOR THE STATE OF TEXAS

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RECORDATION NO. 24961 FILED

MAY 1 9 '04

1-59 PM

## RAILROAD CAR MORTGAGE, SECURITY AGREES FRANKFIRANSPORTATION BOARD ASSIGNMENT OF INTEREST IN LEASES AND FINANCING STATEMENT

MORTGAGOR:

James C. Graves and James C. Graves Living Trust

786 River Road, Montgomery, Texas 77356

MORTGAGEE:

The Right Bank for Texas, N.A.

13100 Northwest Freeway, Suite 100, Houston, Harris County, Texas 77040

COLLATERAL:

Railcars:

34,000 gallon railroad tank car, GLNX 3401  $\omega$ 

34,000 gallon railroad tank car, GLNX 3402 34,000 gallon railroad tank car, GLNX 3424 34,000 gallon railroad tank car, GLNX 3429

and the ninety-nine (99) railroad cars described in the

attached Exhibit "A",

and

assignment of any management agreements and/or any leases of the Railcars now, or hereinafter, applicable to all or any portion of the above-described railroad cars.

#### RAILROAD CAR MORTGAGE, SECURITY AGREEMENT, ASSIGNMENT OF INTEREST IN LEASES AND FINANCING STATEMENT

Date: May 17, 2004

THIS RAILROAD CAR MORTGAGE, SECURITY AGREEMENT, ASSIGNMENT OF INTEREST IN LEASES AND FINANCING STATEMENT ("Agreement") made and entered into by and between The Right Bank for Texas, N.A. ("Secured Party"), whose address is 13100 Northwest Freeway, Suite 100, Houston, Harris County, and ("Debtor"), James C. Graves and the James C. Graves Living Trust, 786 River Road, Montgomery, Texas 77356, as follows:

1. Indebtedness. The Security Interest (defined below) is herein created to secure all obligations and indebtedness to Secured Party, direct or indirect, related or unrelated, now existing or hereafter arising, of whatsoever kind or character, whenever or however created or incurred of Debtor including, but not limited to, that certain note in the original principal amount of \$50,000.00, and that certain term note in the original principal amount of \$1,615,000.00, together with all

(THIS AGREEMENT INCLUDES THE PROVISIONS ON PAGES 2 - 8 HEREOF.)
RAILROAD CAR MORTGAGE

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